

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erin Brokate	Team: Team # 2	CCRB Case #: 201111722	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/10/2011 11:00 AM	Location of Incident: in front of § 87(2)(b)	Precinct: 109	18 Mo. SOL 3/10/2013	EO SOL 3/10/2013	
Date/Time CV Reported Mon, 09/12/2011 2:21 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/12/2011 2:21 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. SGT Benjamin Cui	01664	932505	109 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. Officers					
Officer(s)	Allegation			Investigator Recommendation	
A.SGT Benjamin Cui	Force: Sergeant Benjamin Cui used physical force against § 87(2)(b)				

Case Summary

The following complaint was filed by § 87(2)(b) via telephone with the CCRB on September 12, 2011. § 87(2)(b) reported that on September 10, 2011, at approximately 11:00 a.m., he was walking in the vicinity of his residential building, which is located at § 87(2)(b) in Queens. § 87(2)(b) heard two gunshots and saw three males that were involved in the shooting running towards him. The males sat down on a nearby bench. One of the males had been shot in the leg. Five police vehicles arrived on scene and approximately 6-8 officers exited the vehicles. Multiple officers told § 87(2)(b) to move or else he would be placed under arrest. § 87(2)(b) informed the officers that he lived in the building and asked them why he needed to move. § 87(2)(b) then called his wife on the phone. After he did this, an officer, who § 87(2)(b) identified by name as Sergeant Benjamin Cui of the 109th Precinct, grabbed § 87(2)(b) arms. Along with the aid of other officers, Sgt. Cui twisted § 87(2)(b) arms and slammed him on the hood of a police vehicle. Sgt. Cui then slapped § 87(2)(b) upside his head and handcuffed him (**Allegation A**). § 87(2)(b) arrest report shows that he was arrested for § 87(2)(b). § 87(2)(b) stated that he experienced pain in his chest and elbow as a result of this incident. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

On September 21, 2011, a first phone call was placed to § 87(2)(b). § 87(2)(b) stated that he did not have time to talk and would call back at a later time. On September 21, 2011, a first “please call” letter was sent to § 87(2)(b). On October 5, 2011, a second phone call was placed to § 87(2)(b) and a voicemail was left for him requesting a call back. On October 11, 2011, a third phone call was placed to § 87(2)(b). During this phone call, § 87(2)(b) stated that he wanted to withdraw his complaint. § 87(2)(b) stated that he was withdrawing his complaint

§ 87(2)(b)

§ 87(2)(b). § 87(2)(b) did not want to pursue an investigation because he did not believe the disposition in this case would be fair. § 87(2)(b) stated that he was withdrawing his complaint voluntarily and was not coerced into doing so by any member of the NYPD or the CCRB. This withdrawal was recorded digitally and was reviewed by SI Jessica Pena, who found it to meet agency standards. On October 11, 2011, § 87(2)(b) was mailed a final “please call” letter, which will be added to the case upon its receipt.

§ 87(2)(g)

§ 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date